

## II. REMARKS

### OVERVIEW

Claims 1-2, 4-13, 16, and 18-19 are pending in the present application. Claims 3, 17, and 20 have been cancelled by the instant amendment, and Claim 1 has been amended to incorporate the limitations of claims 3 and 17 and recite that at least a portion of the second lateral portion comprises a data card that is detachably coupled to the base portion. Applicants respectfully submit that no new matter is added by this amendment, and that the amendment finds support in the specification at least at paragraphs [0013], [0015], [0018].

Claims 1-10, 12, 13, and 16-19 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,667,247 to Ramsburg et al. (“Ramsburg”), and claim 11 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ramsburg et al. in view of U.S. Patent No. 5,511,114 to Stimson et al. Applicant respectfully traverses these rejections and requests consideration of same.

### **35 U.S.C. 102(B) REJECTIONS, ALLEGED ANTICIPATION BY RAMSBURG (U.S. PATENT 5,667,247)**

#### A. Independent Claim 1 Is Not Anticipated by Ramsburg

##### *1. Independent Claim 1*

Claim 1 as amended recites, *inter alia*, “a second lateral portion...wherein at least a portion of second lateral portion is detachably coupled to the base portion, and wherein the second lateral portion comprises a data card.” (Emphasis added).

##### *2. Ramsburg*

Ramsburg discloses an assembly for a telephone debit card formed by folding a sheet of paper into three panels, one of which has a cutout with adhesive adjacent to it. The cutout is positioned such that a portion of the telephone debit card can be visible during processing to allow verification. Ramsburg discloses telephone card 24 packaged internal of a first, second, and third panel (63, 64, 65). According to Ramsburg, the card 24 is “stiffer” than the

packaging material. *See* Ramsburg, col. 4, lines 45-50. The card 24 is applied over glue in order to adhere it to the packaging, such that it is held by adhesive. Ramsburg, col. 4, lines 50-54; 55-57.

*3. Ramsburg Does Not Disclose, Teach, or Suggest Claim 1*

Ramsburg does not disclose, teach, or suggest independent claim 1 of the present invention. Claim 1 of the present invention recites, *inter alia*, “a second lateral portion...wherein at least a portion of second lateral portion is detachably coupled to the base portion, and wherein the second lateral portion comprises a data card.”

The Office Action asserts that “a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art.” Office Action, January 29, 2007, p. 4. Applicants respectfully submit that claim 1 as amended recites that the second portion is “detachably coupled to the base portion” and “comprises a data card” -- clear structural differences over Ramsburg.

Ramsburg does not disclose, teach, or suggest this element. Ramsburg discloses a sheet 41 that a telephone debit card 24 may be adhered to. *See* Ramsburg, col. 4, lines 41-57; Figure 3. In contrast, the present application discloses and claims a data card that is formed as part of the second lateral portion. *See, e.g.*, Paragraphs [0013], [0015], [0018]; Figures 1a, 1b, and 2 (element 130), Figures 5a and 5b (element 535), Figure 6 (element 630).

Accordingly, Applicants respectfully submit that Ramsburg does not disclose, teach, or suggest the claim elements of claim 1 and the Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

B. Dependent Claims 2, 4-13, 16, and 18 Are Not Anticipated By Ramsburg

Applicant submits that claims 2, 4-13, 16, and 18 are all directly or indirectly dependent on claim 1, which has been shown to be patentable over the cited reference. The Applicant therefore submits that claims 2, 4-13, 16, and 18 must also be patentable over Ramsburg and should be allowed. The Applicant therefore respectfully requests that the rejection of claims 2, 4-13, 16, and 18 under 35 U.S.C. 102(b) be withdrawn.

C. Independent Claim 19 Is Not Anticipated By Ramsburg

1. *Claim 19*

Similar to claim 1, claim 19 recites, *inter alia*, “a second lateral portion containing indicia relating to a data card...wherein at least a portion of the second lateral portion is detachably connected to the base portion, and wherein the at least a portion of the second lateral portion comprises a data card.”

2. *Ramsburg*

As noted above, Ramsburg discloses an assembly for a telephone debit card formed by folding a sheet of paper into three panels, one of which has a cutout with adhesive adjacent to it. The cutout is positioned such that a portion of the telephone debit card can be visible during processing to allow verification. Ramsburg discloses telephone card 24 packaged internal of a first, second, and third panel (63, 64, 65). According to Ramsburg, the card 24 is “stiffer” than the packaging material. *See* Ramsburg, col. 4, lines 45-50. The card 24 is applied over glue in order to adhere it to the packaging, such that it is held by adhesive. Ramsburg, col. 4, lines 50-54; 55-57.

3. *Ramsburg Does Not Disclose, Teach, or Suggest Claim 19*

Applicants respectfully submit that Ramsburg does not disclose, teach, or suggest Claim 19 of the present invention. The Office Action asserts that “a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art.” Office Action, January 29, 2007, p. 4. Applicants respectfully submit that claim 19 recites a foldable data card assembly wherein “at least a portion of the second lateral portion is detachably connected to the base portion, and wherein the at least a portion of the second lateral portion comprises a data card” -- clear structural differences over Ramsburg.

Ramsburg does not disclose, teach, or suggest this element. Ramsburg discloses a sheet 41 that a telephone debit card 24 may be adhered to. *See* Ramsburg, col. 4, lines 41-57;

Figure 3. In contrast, the present application discloses and claims a data card that is formed as part of the second lateral portion. *See, e.g.*, Paragraphs [0013], [0015], [0018]; Figures 1a, 1b, and 2 (element 130), Figures 5a and 5b (element 535), Figure 6 (element 630).

Accordingly, Applicants respectfully submit that Ramsburg does not disclose, teach, or suggest the claim elements of claim 19 and the Applicants respectfully request that the rejection of claim 19 under 35 U.S.C. 102(b) be withdrawn.

### **35 U.S.C. 103(A) REJECTIONS**

#### **A. Claim 11 is not Unpatentable Over Ramsburg In View of Stimson et al., U.S. Patent 5,511,114**

Claim 11 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ramsburg in view of U.S. Patent No. 5,511,114 to Stimson et al. (“Stimson”). Claim 11 is indirectly dependent on claim 1, and the above Amendment and Remarks show that Ramsburg does not teach the required limitations of claim 1. The Applicant therefore respectfully submits that since the base claim (claim 1) of dependent claim 11 has been shown allowable, then claim 11 must also be allowable over Ramsburg.

The teachings of Stimson, even if combined, do not cure the deficiencies of Ramsburg. Specifically, Stimson does not teach, disclose or suggest “a second lateral portion...wherein at least a portion of second lateral portion is detachably coupled to the base portion, and wherein the second lateral portion comprises a data card” as required by base claim 1. The Applicant respectfully submits that claim 11 is patentable over the cited reference combination. The Applicant therefore requests the rejection of claim 11 be withdrawn.

### III. CONCLUSION

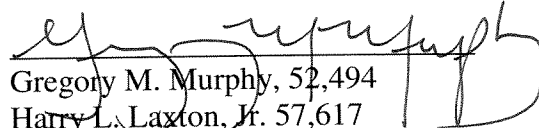
For all the reasons set forth above, it is respectfully submitted that all outstanding rejections and have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. All amendments are supported by the specification and claims as originally filed. Applicant accordingly submits that these claims are in a condition for allowance. Reconsideration and allowance of all claims are respectfully requested.

Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 08-3436 for any fees or overpayments related to the entry of this Amendment, including any extension of time fees and new claims fees.

Respectfully submitted,

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